



Ann D. Berkowitz  
Associate Director  
Federal Regulatory Advocacy

1300 I Street, NW  
Suite 400 West  
Washington, DC 20005  
(202) 515-2539  
(202) 336-7922 (fax)  
aberkowitz@verizon.com

October 19, 2004

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended, CC Docket No. 99-273**

Dear Ms. Dortch:

This letter responds to staff's request for additional information concerning issues discussed in our last meeting with them.

***1. Verizon Customer Privacy Policy and Opt-Out Options:***

Verizon maintains separate databases for the provision of directory assistance services, for directory publication and for telemarketing, direct mail, and other non-directory purposes. As discussed in more detail below, these separate databases enable Verizon to offer efficient directory assistance service and also to meet its customers' privacy expectations.

As Verizon has previously explained, customers have several options with respect to the level of privacy they desire when they receive telephone service from Verizon. *See, e.g.*, Letter from Ann Berkowitz to Marlene Dortch, dated April 7, 2004; Letter from Ann Berkowitz to Marlene Dortch, dated May 6, 2004. Non-published service excludes a customer's name, address, and telephone number from disclosure to the public through directory assistance or in a published directory. Non-list service excludes a customer's name, address, and telephone number from the published directory, but makes the telephone number available through directory assistance to callers who can identify the customer by name and address. Customers whose listings appear in the published directory have the option of excluding their address from their listing. They also have the option of excluding their name from databases made available for telemarketing and direct mail purposes, and they can choose to have their name placed on Verizon's "Do Not Call" list.

These and other privacy options are explained in Verizon's "Privacy Policy for Telephone Customers," which is available to the public on Verizon's website, at *Verizon.com*. A copy of the Privacy Policy is attached as Exhibit A to this letter, and relevant sections have been underlined for ease of reference.

Verizon's Privacy Policy also informs customers about how information about them may be disclosed and assures them that lists provided to third parties for product promotion purposes or directory publication will not include customers who elect non-published or non-listed service or customers who opt to be excluded from lists that will be used to conduct promotional marketing:

"In some states, we compile lists of names, addresses and telephone numbers from our published White Pages directories and provide the lists to qualified companies that are conducting product promotions. Non-published and non-listed numbers are not included in these lists and we remove other customers from these lists by request."

Verizon honors these customer elections in its own use of customer information for promotional and marketing purposes:

"Verizon regularly provides useful information about new products and services to our residential customers, including our customers with non-published telephone numbers. However, consumers who do not wish to receive such information can "opt out" or have their names removed from direct mail and telemarketing lists that we use internally. For example, if you receive an unwanted telemarketing call from us, simply tell a Verizon representative that you do not wish to receive future calls and ask to be placed on our "Do Not Call" list."

Consistent with its Privacy Policy, Verizon utilizes Directory Assistance listings for its provision of directory assistance services and does *not* use them for directory publication, telemarketing, direct mail, or other non-directory assistance purposes. When third party directory assistance providers purchase directory assistance listings from Verizon through its Directory Assistance List Service (DALs), Verizon includes the names and addresses of non-published customers and the NPA-NXX of their phone numbers. This enables the directory assistance providers to maintain geographic groupings for search and retrieval purposes in their databases so that they can advise callers when a listing requested by name is found to be non-published. To safeguard the privacy of such non-published customers, Verizon's standard contractual terms for the provision of DALs require that recipients not divulge the name, address or telephone numbers of non-published customers and contractually restrict use of non-published listings to the limited purpose of advising directory assistance callers that a requested listing is not published. Similarly, since customers with non-listed listings are assured by Verizon's privacy policy that their listings will not be used in directories or marketing lists, the DALs contract proscribes such uses.

Moreover, as noted above, even customers with published listings may opt to have their names excluded from lists that will be used to conduct promotional marketing. Since Verizon does not use or maintain DALs databases to conduct promotions or marketing, the DALs databases do not house indicators to identify customers who have elected to opt-out from marketing lists, whether internal or external to Verizon. Additionally, Verizon's DALs database is not structured to accommodate such added elements. This is because DA databases are typically designed for speed and accuracy in providing directory assistance. To safeguard our customers' privacy, therefore, it is critical that neither the non-published nor published listings in the DALs databases be used for marketing purposes. The use of even the published listings for

telemarketing, direct mail or any other marketing activity by a third party DALS purchaser poses the risk of a breach of customers' privacy expectations.

## **2. Emergency Notification to Non-Published Customers:**

Verizon maintains procedures to notify customers with non-published listings of emergency calls that are similar to those described by Qwest.<sup>1</sup> Such notification is provided as a courtesy to non-published customers and is not a directory assistance offering. Verizon's operators cannot view or access non-published numbers. If an operator answering "zero" dialed or DA calls receives an emergency request to notify a non-published customer, he/she refers the call to the appropriate supervisory and administrative personnel. The supervisor or administrator will evaluate whether the request is related to an emergency situation, and if appropriate, contact the non-published customer and provide the name and number of the caller seeking to contact the customer.

The non-published customer may then decide whether to contact the caller. Non-published customers who do not wish to receive notice of such "emergency" calls from persons who do not have their number may specify that Verizon not contact them. Given the privacy expectations of non-published customers and potential disturbance from unwelcome calls, care is taken to assure that supervisory or administrative personnel handle these cases in a confidential and sensitive manner.

Other carriers may contract with Verizon for the handling of emergency requests by their end users seeking to contact a Verizon non-published customer. If the carrier chooses to provide this service to its end users, Verizon provides the carrier with contact information for a central Verizon location in Pennsylvania that contacts the non-published customer when the carrier makes such a request to Verizon. Because of the privacy expectations of non-published customers, it would be inappropriate to allow companies that are unknown to the non-published customer to place such calls.

## **3. Parity in Use of Directory Assistance Listings (DALS):**

As indicated above, Verizon utilizes Directory Assistance listings for its provision of directory assistance services and does not use them for telemarketing, direct mail, directory publication or other non-directory assistance purposes.

As a result, Verizon and competing carriers are subject to the same use and restrictions for DALS. Moreover, Verizon standard contractual terms for the provision of DALS provide that in the event that Verizon undertakes additional uses of DALS in the future, such uses will also be permitted to the DALS purchaser.

As also described above, Verizon uses white page listings, which are designed for public dissemination, in compiling its own marketing lists, not DALS. To the extent that a third party were to seek a similar marketing use, the Commission should permit Verizon to furnish that list

---

<sup>1</sup> Qwest EX PARTE May 10, 2004, page 2 of 2. *RE: Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273

from the same source (i.e., white page listings). This would avoid infringing on the privacy expectations of customers that have made specific requests to Verizon. It would also put Verizon and competing carriers on the same footing.

Verizon acknowledges that there may be permissible non-marketing uses of DALS that would not pose a risk to customer privacy and has agreed to negotiate and consider uses requested by DALS purchasers. Innovation and competition can be fostered by providing that LECs negotiate expanded uses sought by a purchaser in good faith under reasonable terms. However, precluding Verizon from including reasonable restrictions in its contracts and instead sanctioning carte blanche use by recipients would be detrimental to the interests of consumer privacy. A rule that permits any "lawful" use is not a sufficient safeguard. In most states, non-published customers are assured of privacy by virtue of Verizon's tariff or privacy policy, not by state law or regulation. Permitting any "lawful" use, therefore, would allow purchasers to use customer listing information for purposes the customer expressly chose to prohibit by selecting non-published or non-listed service, or by opting out of marketing use of his or her listing.

Contracts are an effective means to assure that DALS purchasers respect the parameters for use of DALS and permit Verizon legal recourse for breaches. As a result, if a DALS purchaser seeks to transfer or resell DALS in bulk, Verizon should be permitted to negotiate appropriate contractual terms (including, for example, indemnity or other safeguards) to ensure that the parties receiving the listings are equally bound by contract terms enforceable by Verizon. Allowing DALS purchasers the unfettered right to hand over DALS to numerous unknown parties will pose the real risk of privacy violations.

Please let me know if you have any questions.

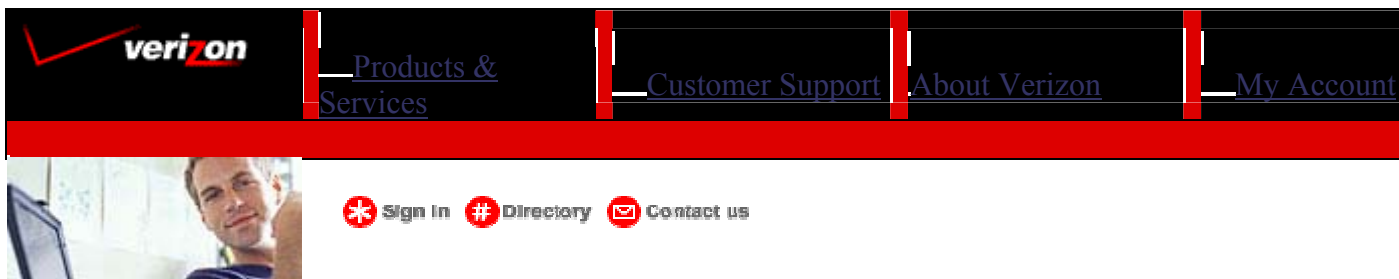
Sincerely,

A handwritten signature in black ink, appearing to read "Anne D. Burkett". The signature is fluid and cursive, with the first name "Anne" and last name "Burkett" clearly distinguishable.

Attachment

cc: William Dever  
Rodney McDonald

# VERIZON TELEPHONE COMPANY CUSTOMER PRIVACY POLICY – VERIZON.COM



## Privacy and Customer Security Policies

### Telephone Company Customer Privacy

[Site Search](#) 

This tells you about our privacy policy for our telephone company customers. Click here for information on our

[Internet Privacy Policy](#)

- [Internet Privacy Policy](#)
- [General Privacy Principles.](#)

[Letter from CEO](#)

[General Privacy Principles](#)

[Telephone Company Customer Privacy](#)

[Do Not Call Policy](#)

[Browser Policy Statement](#)

[Linking Policy Statement](#)

[Terms and Conditions](#)

For more than a century, customers have counted on Verizon's telephone companies to respect and protect the privacy of information we obtain in the normal course of providing service. While we are working hard to serve you in new and exciting ways, our commitment to protecting your privacy remains as strong as ever.

### Your Privacy is Our Priority

Verizon has strict policies governing employee access to customer records. We access customer accounts, records or reports for authentication purposes only. We educate our employees about their obligation to safeguard customer information and telephone calls, and we hold them accountable for their actions.

Privacy is a priority for Verizon when we develop new products and services. Verizon conducts a privacy review, which includes consumer input, as part of its product development process. We inform customers about any privacy implications of new products and services we introduce.

### The Information We Obtain, and How We Use It

Verizon obtains information about customers that helps us to provide service, and we use that information for business purposes only.

For example: We need to know your name, address and the services you buy from us. When you call us, a service representative refers to

your customer record to serve you better. It also may be useful for us to know about your telephone bill, your calling patterns, and whether you have special needs. We may use that kind of information to offer you the most effective services for your particular needs.

Or we may use information in our records to protect customers, employees or property, for instance, to investigate fraud or harassment.

We want to make sure the information we obtain and use is accurate. Much of this information is reflected in your monthly telephone bill. If you see an inaccuracy on your Verizon bill, and you let us know, then we can correct it.

Verizon regularly provides useful information about new products and services to our residential customers, including our customers with non-published telephone numbers. However, consumers who do not wish to receive such information can "opt out" or have their names removed from direct mail and telemarketing lists that we use internally. For example, if you receive an unwanted telemarketing call from us, simply tell a Verizon representative that you do not wish to receive future calls and ask to be placed on our "Do Not Call" list. Please understand that making this type of request may mean that you will be unaware of services or discounts that you might find useful.

NOTE:  
Underlining added to indicate specific portions of Verizon Privacy Policy discussed in accompanying letter.

You should know that when you speak with us at Verizon, a supervisor might listen in on that call. Supervisors listen in only to help train employees and ensure that we provide you with accurate information and high-quality customer service.

#### **Disclosure of Information Outside Verizon**

As a rule, Verizon will notify you and give you the opportunity to "opt out" when we disclose telephone customer information outside of Verizon. In fact, we generally keep our records of the services you buy and the calls you make private, and will not ordinarily disclose this information to outside parties without your permission. However, we do release customer information without involving you if disclosure is required by law or to protect the safety of customers, employees or property. This is further explained below.

Examples of your control over the disclosure of information:

- You tell us the telephone listings you want to include in directories and in directory assistance. You also may choose to have a non-published number, or a non-listed number, or to exclude your address from your listing.
- In some states, we compile lists of names, addresses and telephone numbers from our published White Pages directories

NOTE:  
Underlining added to indicate specific portions of Verizon Privacy Policy discussed in accompanying letter.

and provide the lists to qualified companies that are conducting product promotions. Non-published and non-listed numbers are not included in these lists and we remove other customers from these lists by request.

- All customers in areas where Caller ID services are available have the ability to block the display of their phone numbers and names. (Note that Caller ID blocking does not prevent the transmission of your phone number when you dial certain business numbers, including 911, or 800, 888, 877, and 900 numbers.)

Examples where disclosure is required by law or to protect the safety of customers, employees or property:

- When you dial 911, information about your location may be transmitted automatically to a public safety agency. Certain information about your long distance calls is transmitted to your long distance company for billing purposes. Verizon also is required by law to give competitive local exchange carriers access to its customer databases for purposes of serving their customers, to exchange credit information with other carriers, and to provide listings (other than certain non-published and non-listed information) to directory publishers.
- Verizon must disclose information, as necessary, to comply with court orders or subpoenas. Verizon also will share information to protect its rights or property and to protect users of its services and other carriers from fraudulent, abusive or unlawful use of services.
- Verizon may provide information to collection agencies about former customer accounts that are in arrears.
- Verizon also occasionally uses contractors to do work for the company. These contractors have the same obligation as regular employees concerning customer information.

#### **Your Telephone Account Information Rights**

The FCC refers to your telephone account information as Customer Proprietary Network Information or CPNI. Under Federal Law, you have the right to, and we have the duty to protect, the confidentiality of your telecommunications service information. This information includes the type, technical arrangement, quantity, destination, and amount of use of telecommunications services and related billing for these services.

We may use this information, without further authorization by you, to offer you: (i) services of the type you already purchase from us, and (ii) the full range of products and services available from Verizon and other Verizon companies that may be different from the type of services you

currently buy from us. In addition to local telephone services, Verizon and other Verizon company services include long distance (where authorized), wireless, and Internet services. A more complete description of our companies and service offerings is available on this Web site. Use of your information will permit us to offer you a package of services tailored to your specific needs. Without further authorization by you, we may also share your information with other Verizon companies with whom you already have an existing service relationship.

No action by you is necessary to permit us to use your information to offer you services that may be different from the type of services you currently buy from us. However, prior to using your information for the first time, we will notify you by mail or through your account executive, and you will have 30 days to tell us, using the toll free number mentioned in our notice, if you do not want us to use your information to offer services different from the type of services you currently buy from us. After the 30 days has expired, Verizon may begin using your information to offer services different from those you currently purchase from us unless you have notified us that we may not use it for this purpose. At any time after the 30 days, however, you can change your decision by using the toll free number. Your decision will remain effective until you change it.

If you have any questions regarding the notice or would like to know how to restrict the use of your information, please call the Verizon Customer Sales & Solutions Center telephone number located on your telephone bill or visit the [Customer Sales & Solutions Center](#) to locate the telephone number for your area.

#### **Providing Services to Enhance Your Privacy**

Verizon considers privacy implications as new services are planned and introduced and informs customers of the privacy implications of these services.

Non-published numbers, Caller ID and Caller ID blocking services, and Anonymous Call Rejection are among the privacy-management services Verizon offers our telephone customers. We also work to develop other services that help customers to control access to information about them. We seek customer input in developing new products and conduct comprehensive customer outreach and education efforts before and after introducing privacy-sensitive products.

#### **Protecting your Privacy in Cyberspace and in Other Areas of Our Business**

At Verizon, we are committed to expanding the world of communications and multimedia for customers, a world of wireline and



wireless solutions: voice, video, and data services, as well as information and entertainment. We will investigate the privacy implications these new services may have and build safeguards into services before they are introduced. We will inform and educate you about the effect on customer privacy any new services may have.

For example, Verizon's commitment to maintaining high standards for the protection of customer privacy extends beyond telephone service to include our Web sites. Recognizing concern over privacy on the Internet, Verizon has developed an on-line privacy policy that clearly defines the corporation's data collection processes and the use of that data at all times. Visitors to Verizon's Web sites -- for example, [www.verizon.com](http://www.verizon.com), [www.superpages.com](http://www.superpages.com), [www.verizon.net](http://www.verizon.net) -- are apprised of the types of information obtained, how it is obtained, how it is used, and how they can restrict the use or disclosure of that data.

Verizon is committed to maintaining high standards for the protection of customer privacy. At Verizon, your privacy is our priority. For more information on how Verizon strives to protect your privacy, customers can access our World Wide Web site at [www.verizon.com](http://www.verizon.com).